

JUL 08 2024

Clerk, US District Court
Western District NC

Hello my name is Tamara Simmons
and I would like to submit this petition
asking for a petition of Removal from
the State Case in North Carolina from
Stanly County Superior Court's case

Thank you for all of your time and
your efforts This is my petition for
writ of certiorari Thank you

Tamara Simmons
7-4-24

FILED
CHARLOTTE, NC

JUL 08 2024

US DISTRICT COURT
WESTERN DISTRICT OF NC

SUPREME COURT OF NORTH CAROLINA

Tamala M. Simons

Plaintiff(s),

v.

State of North Carolina

Defendant(s).

From Stanly
County

Case Number: 3:24-cv-640-FDW

PETITION FOR WRIT OF CERTIORARI

A petition for writ of certiorari is used to ask an appellate court to review a judgment or an order entered by a lower court. Please supply the information below so that the Supreme Court of North Carolina can understand (1) what judgment or order you are asking the Court to review, (2) what you claim is the error in that judgment or order, and (3) what you wish for the Court to do about the error.

Your name: Tamala M. Simons

Your contact information:

Address: 552 Prison Camp Road Polkton, NC

Phone number: 704-695-1013

E-mail address: _____

RECEIVED

JUN 03 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Petition for Writ of Certiorari — 1 of 4

Which court entered the judgment or order you are asking the Court to review? (Circle one.)

North Carolina Court of Appeals

✓ North Carolina Superior Court

North Carolina District Court

Other: _____

File number(s) in which the judgment or order was entered:

2 03CRS 050674

Note: For review of orders by Court of Appeals, give the file numbers for both the trial court and the Court of Appeals.

County of the trial court case: Stanly County

The plaintiff(s) in the trial court: Tamala M. Simmons

The defendant(s) in the trial court: State of North Carolina

Other persons who were parties in the trial court, if any:

Ø

The name or type of judgment or order that you are asking this Court to review:

Writ of Certiorari

Date on which the judgment or order was entered:

2/24/2006

You MUST attach a full copy of the judgment or order that you are asking this Court to review. Have you attached a copy of that judgment or order? (Circle one.)

Yes.

No. (Your petition may be automatically denied.)

In the space below, describe what you contend is the error in the judgment or order entered by the lower court. You may attach another sheet if needed to explain the error.

On 2-23-06 I was convicted of first degree murder. The State of North Carolina has no jurisdiction of first degree murder. I have served 21 years on this charge. This is a violation of my U.S. Fourth Amendment Fifth, Sixth, Eighth and Fourteenth. I was convicted in Stanly County Superior Court building. The state is defrauding the federal Government so that they can embezzle monies for enrichment for themselves. The evidence was insufficient to convict me of this charge. Please pick my charge. I am in dire need of your assistance.

Statue: United States of Appeals
Ninth Circuit plaintiff

v.

Howard Chen Defendant -

Argued Submitted June 16, 2022

Pasadena California

Filed September 14, 2022

I would like to file under forma pauperus

Explain what you want this Court to do about the error by the lower court:

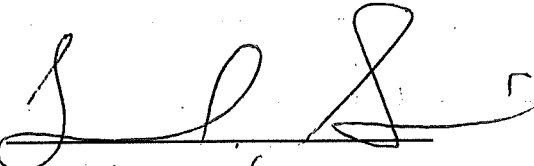
I would like for the defendants that convicted me to be prosecuted by the federal Court. (all parties)

Directions for Service: You are required to serve a copy of this petition on all other parties in the case. One way to serve this petition is by mailing a copy of this petition to all other parties. If you choose to serve by mail, please use the space below to list the names of the parties and the address to which you mailed a copy. If you choose to serve this document by some other method permitted by Rule 26 of the North Carolina Rules of Appellate Procedure, please explain the method of service used.

VERIFICATION

I affirm that the statements in this petition are true and correct to the best of my knowledge.

Your signature:

A handwritten signature in black ink, appearing to be "J. L. S.", written over a horizontal line.

Today's date:

5-14-24

This acknowledgement form will be accompanying these Paperworks.

[Signature]
Signature

5-14-24
Date

North Carolina

Anson County

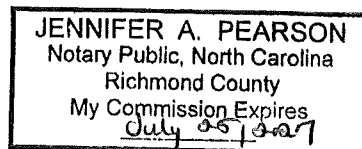
I, Jennifer Pearson, **NOTARY PUBLIC** for said **COUNTY**
and **STATE**, do hereby certify that Tamala Simmons,
personally appeared before me this day and acknowledged the due
execution of the attached instrument.

Witness my hand and official seal, this 14th day of
May 2024.

(Official Seal)

NOTARY PUBLIC: [Signature]

MY Commission Expires: July 25, 2027



STATE OF NORTH CAROLINA

Vo.

03CRS050674

51

STANLY

County

ALBEMARLE

Seat of Court

NOTE: (This form is to be used for (1) felony offense(s), and (2) misdemeanor offense(s), which are consolidated for judgment with any felony offense(s). Use AOC-CR-342 for DWI offense(s).)

In The General Court Of Justice
☐ District ☒ Superior Court Division

STATE VERSUS

JUDGMENT AND COMMITMENT
 ACTIVE PUNISHMENT
 FELONY
 (STRUCTURED SENTENCING)

Name Of Defendant

SIMONS, TAMALA, MICHELLE

Race

B

Sex

F

DOB

8/12/1976

G.S. 15A-1301, 15A-1340.13

Attorney For State

LAYTON, DAWN

☐ Def. Found
 Not Indigent

☐ Def. Waived
 Attorney

Attorney For Defendant

KLINKOSUM/MANION

☒ Appointed ☐ Retained

The defendant ☒ pled guilty to: ☐ was found guilty by a jury of: ☐ pled no contest to:

| File No.(s) | Off. | Offense Description | Offense Date | G.S. No. | F/M | CL. | *Pun. CL. |
|-------------|------|---------------------|--------------|----------|-----|-----|-----------|
| 03CRS050674 | 51 | FIRST DEGREE MURDER | 2/23/2003 | 14-17 | F | A | |

*NOTE: Enter punishment class if different from underlying felony class (punishment class represents a status or enhancement).

PRIOR RECORD LEVEL: ☐ I ☐ III ☐ V
☒ II ☐ IV ☐ VI

The Court: (NOTE: Block 1 or 2 MUST be checked.):

- ☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 2. Any prior record level point under G.S. 15A-1340.14(b)(7) is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
- ☐ 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses.

The Court: (NOTE: Block 1 or 2 MUST be checked.):

- ☐ 1. makes no written findings because the prison term imposed is: ☐ (a) within the presumptive range of sentences authorized under G.S. 15A-1340.17(c). ☒ (b) for a class A felony. ☐ (c) for an adjudication as a violent habitual felon. G.S. 14-7.12. ☐ (d) for drug trafficking offenses.
- ☐ 2. makes the aggravating and mitigating factors Determination as set forth on the attached AOC-CR-605.
- ☐ 3. imposes the prison term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
- ☐ 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).
- ☐ 5. adjudges the defendant to be an habitual felon to be sentenced as a Class C felon pursuant to Article 2A of G.S. Chapter 14.
- ☐ 6. finds enhanced punishment pursuant to: ☐ G.S. 90-95(e)(3) (drugs). ☐ G.S. 14-3(c) (hate crime). ☐ G.S. 50B-4.1 (domestic violence). ☐ Other: . This finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
- ☐ 7. finds the above designated offense(s) is a reportable conviction involving a minor. G.S. 14-208.6.
- ☐ 8. finds the defendant is classified as a sexually violent predator. G.S. 14-208.20.
- ☐ 9. finds that the defendant used, displayed, or attempted to use or display a firearm at the time of the felony and, pursuant to G.S. 15A-1340.16A, has increased the minimum term of imprisonment to which the defendant would otherwise be sentenced by sixty (60) months. This finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
- ☐ 10. finds the defendant is classified as a recidivist. G.S. 14-208.6.
- ☐ 11. finds this is an aggravated offense. G.S. 14-208.6.
- ☐ 12. finds that a ☐ motor vehicle ☐ commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV.
- ☐ 13. finds this is an offense involving assault or communicating a threat, and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned

| | | | | |
|--|--------|--|--------|---|
| for a minimum term of: | months | for a maximum term of: | months | in the custody of: |
| <input checked="" type="checkbox"/> Class A Felony: <input checked="" type="checkbox"/> Life Imprisonment Without Parole | | <input type="checkbox"/> Death (see attached Death Warrant and Certificates) | | <input checked="" type="checkbox"/> N.C. DOC |
| <input type="checkbox"/> Class B1 Felony: Life Imprisonment Without Parole | | | | <input type="checkbox"/> Sheriff pursuant to G.S. 15A-1352(b) |
| <input type="checkbox"/> Violent Habitual Felon: Life Imprisonment Without Parole | | | | <input type="checkbox"/> Other |

The defendant shall be given credit for 1,096 days spent in confinement prior to the date of this Judgment as a result of this

- ☐ The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.
- ☐ The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:

| File Number | Offense | County | Court | Date |
|-------------|---------|--------|-------|------|
|-------------|---------|--------|-------|------|

(check all that apply)

☐ 1. The defendant shall pay the costs.

☐ 2. The defendant shall pay a fine of \$ _____.

The Court recommends:

☐ 3. Assignment to a substance abuse treatment unit. G.S. 15A-1351(h) (applies only to offenses committed before December 1, 2003).

☐ 4. Psychiatric and/or psychological counseling.

☐ 5. Work Release.

☐ 6. Payment as a condition of post release supervision, if applicable, or from work release earnings, if applicable, of the items and amounts set out below.

| Fines | Court Costs | Restitution * | Attorney's Fees | Total Amount Due |
|-------|-------------|---------------|-----------------|------------------|
| \$ | \$ | \$ | \$ | \$ |

*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

The Court further recommends:

CIVIL JUDGMENT BE DOCKETED FOR THE FUNERAL BILL.

The Court does not recommend:

☐ 1. Restitution as a condition of post release supervision or work release.

☐ 2. Work release.

AWARD OF FEE TO COUNSEL FOR DEFENDANT

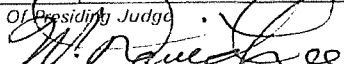
☐ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APPEAL ENTRIES

☒ It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

☐ The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

| | | |
|-----------|---|---|
| Date | Name Of Presiding Judge (Type Or Print) | Signature Of Presiding Judge |
| 2/23/2006 | W. DAVID LEE |  |

ORDER OF COMMITMENT AFTER APPEAL

| | | |
|-----------------------|---------------------------------|----------------------------------|
| Date Appeal Dismissed | Date Withdrawal Of Appeal Filed | Date Appellate Opinion Certified |
| | | |

It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the agency named in this Judgment on the reverse and furnish that agency two certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

| | | |
|------|-----------|--|
| Date | Signature | <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC |
| | | <input type="checkbox"/> Clerk Of Superior Court |

CERTIFICATION

I certify that this Judgment and Commitment with the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

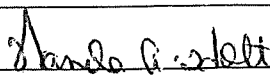
☐ Appeal Entries (AOC-CR-350)

☐ Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)

☐ Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)

☐ Victim Notification Tracking Form

☐ Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)

| | | |
|--|--|------|
| Date | Signature | SEAL |
| 2/23/2006 |  | |
| Date Certified Copies Delivered To Sheriff | <input type="checkbox"/> Deputy CSC <input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court | |
| 2/23/2006 | | |

Material opposite unmarked squares is to be disregarded as surplusage.

AOC-CR-601, Side Two, Rev. 10/05

©20054 Administrative Office of the Cou

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

June 5, 2024

Tamala M. Simons
#0370639
552 Prison Camp Road
Polkton, NC 28135

RE: "Simons v. NC"

Dear Mrs. Simons:

The above-entitled petition for a writ of certiorari was postmarked May 21, 2024 and received June 3, 2024. The papers are returned for the following reason(s):

Your case must first be reviewed by a United States court of appeals or by the highest state court in which a decision could be had. 28 USC 1254 and 1257.

Sincerely,
Scott S. Harris, Clerk
By

Emily Walker
(202) 479-5955

Enclosures

SUPREME COURT OF THE UNITED STATES

WASHINGTON, DC 20543-0001

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

1004 8113333182

RECEIVED

JUN 10 2024

ANSON CI 4575
MAILROOM

ND POST

FIRST-CLASS MAIL

06/03/2024

US POSTAGE \$000.88



US OFFICIAL MAIL
\$300 Penalty
For Private Use
ZIP 20543
041M11120600

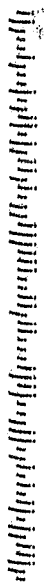
Tamala M. Simons

#0370639

552 Prison Camp Road
Polkton, NC 28135

RE: "Simons v. NC"

552 PRISON CAMP ROAD



KD4